

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

NIKOLIA ROMANTCHENKO,

Defendant.

DECISION AND ORDER
04-CR-278S

1. On October 26, 2004, this Court referred this matter to the Honorable Hugh B. Scott, United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(A), and thereafter to file a Report and Recommendation.

2. On November 8, 2005, after suppression hearing, Judge Scott filed a Report and Recommendation recommending that Defendant's Motion to Suppress be denied with respect to his pre- and post-Miranda statements, and denied without prejudice with respect to his seized cellular telephones.

3. No objections to the Report and Recommendation were received from either party within ten (10) days from the date of its service in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

4. This Court has carefully reviewed Judge Scott's November 8, 2005 Report and Recommendation, and the submissions of the parties with respect to Defendant's Motion to Suppress.

IT HEREBY IS ORDERED that this Court accepts Judge Scott's November 8, 2005 Report and Recommendation (Docket No. 37).

FURTHER, that Defendant's Motion to Suppress (Docket No. 23) is DENIED with respect to the suppression of statements and DENIED WITHOUT PREJUDICE with respect to the seized telephones.

FURTHER, that counsel for the government and the defendant are directed to appear before this Court on December 28, 2005 at 2:00 p.m. for a status conference.

SO ORDERED.

Dated: December 18, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge